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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JUBENAL AMEZOLA, JR.,

14 Defendant.

15 _____ / No. CR 08-0919 WHA

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**ORDER REGARDING DEFENSE
COUNSEL'S STATEMENT OF
FORTHCOMING WITHDRAWAL
OF DEFENDANT'S MOTION
TO SET ASIDE AND
VACATE HIS SENTENCE**

In response to a prior order concerning a motion to set aside and vacate defendant's sentence that he filed himself despite being represented by counsel, defense counsel states that "Mr. Amezola will be withdrawing his motion to vacate sentence/2255 petition without prejudice and await the anticipated Rule 35 motion [that is concurrently being pursued by counsel]." Counsel need not wait for his client to withdraw the motion directly and may do so on his behalf. Either way, Mr. Amezola and his counsel shall have until **DECEMBER 10, 2010**, to withdraw the motion, or else at that time we must proceed with consideration of the motion.

IT IS SO ORDERED.

Dated: November 29, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE